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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.,

Plaintiff, Counter-defendant,

v.

APPLE INC.,

Defendant, Counterclaimant.

Case No. 4:20-CV-05640-YGR-TSH

**DECLARATION OF MICHAEL J. ZAKEN
IN SUPPORT OF EPIC GAMES, INC.'S
OPPOSITION TO APPLE INC.'S MOTION
TO STRIKE TESTIMONY**

Judge: Hon. Yvonne Gonzalez Rogers

1 I, Michael J. Zaken, declare as follows:

2 1. I am a Partner at Cravath, Swaine & Moore LLP, counsel to Epic Games, Inc.
3 (“Epic”) in the above-captioned actions. I am admitted to appear before this Court *pro hac vice*.

4 2. I submit this declaration in support of Epic’s Opposition to Apple Inc.’s Motion to
5 Strike Testimony, dated March 17, 2025.

6 3. I have personal, first-hand knowledge of the facts set forth in this Declaration. If
7 called as a witness, I could and would competently testify to these facts under oath.

8 4. Attached hereto as **Exhibit A** is a true and correct copy of e-mail correspondence
9 between counsel for Epic and Apple Inc. (the “Parties”) on February 24, 2025 (PT).

10 5. Attached hereto as **Exhibit B** is a true and correct copy of e-mail correspondence
11 between counsel for the Parties on February 24, 2025 (PT) and February 25, 2025 (PT).

12 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true
13 and correct and that I executed this declaration on March 17, 2025 in New York, New York.

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15 /s/ Michael J. Zaken
16 Michael J. Zaken
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E-FILING ATTESTATION

I, Gary A. Bornstein, am the ECF User whose ID and password are being used to file this Declaration of Michael J. Zaken in Support of Epic Games, Inc.'s Opposition to Apple Inc.'s Motion to Strike Testimony, dated March 17, 2025. In compliance with Civil Local Rule 5-1(i), I hereby attest that concurrence in the filing of this document has been obtained from the signatory.

/s/ Gary A. Bornstein
Gary A. Bornstein